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## BEFORE THE ARIZONA CORPORATION COMMISSION

RECEIVED

COMMISSIONERS

BOB STUMP, Chairman  
GARY PIERCE  
BRENDA BURNS  
BOB BURNS  
SUSAN BITTER SMITH

2014 SEP 25 A 11:10

AZ CORP COMMISSION  
DOCKET CONTROL

Arizona Corporation Commission

DOCKETED

SEP 25 2014

DOCKETED BY

In the matter of )

KENT MAERKI and NORMA JEAN )  
COFFIN aka NORMA JEAN MAERKI, aka )  
NORMA JEAN MAULE, husband and )  
wife, )

DENTAL SUPPORT PLUS FRANCHISE, )  
LLC, an Arizona limited liability company )

Respondents. )

DOCKET NO. S-20897A-13-0391

**SECURITIES' DIVISION SECOND  
SUPPLEMENTAL RESPONSE TO  
RESPONDENTS' MOTION TO CONTINUE**

ORIGINAL

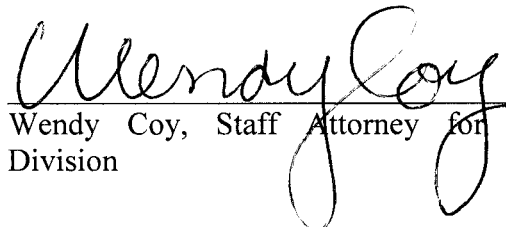
On September 23, 2014, the Securities Division filed a Response to Respondents' Motion to Continue requesting that the Respondents' Motion to Continue be denied. Additional information has been discovered that is relevant to the issues raised in the Respondents' Motion to Continue.

As Respondents disclosed at the last pre-hearing conference, Respondent Maerki is a defendant other litigation not necessarily related to the matter before the Commission. In two different proceedings that Respondent Maerki is a Defendant, he raised his health as an reason to continue matters calendared for September. In *Hymson Goldstein & Pantiliat PLLC, v. Kent Maerki and Norma Jean Coffin*, Maricopa County Superior Court, Case No. CV2013-054308, Respondent Maerki requested a continuance of a Judgment Debtor Examination scheduled for September 12, 2014. The basis of Respondent Maerki's request for a continuance was that he suffered a stroke on August 27, 2014. This matter was briefed and the Court denied the Motion to Continue. See pleadings attached as Exhibit A.

1 In another matter, *Smartcomm License Services, LLC v. Kent Maerki et al.*, Maricopa  
2 County Superior Court, Case No. CV2010-032209, a Default Hearing was scheduled for  
3 September 24, 2014. Respondent Maerki filed a Motion to Continue in this case requesting a  
4 continuance due to a stroke he claimed to have suffered on August 27, 2014. The Securities  
5 Division requested an update from Plaintiff's counsel regarding the scheduled hearing. The  
6 response is attached as Exhibit B. At the Default Hearing Ms. Mirch appeared on behalf of  
7 Respondent Maerki. Ms. Mirch represented to the Court that Mr. Maerki was not able to attend  
8 the proceeding based upon his health issues and doctor's advice. Plaintiffs' counsel informed the  
9 Court that they had observed Respondent Maerki's vehicle in the parking garage when they arrived  
10 for the proceeding. Ms. Mirch admitted to the Court that she and Respondent Maerki had met for  
11 lunch to discuss the proceeding and Respondent Maerki had driven Ms. Mirch to court for the  
12 scheduled hearing. The Court allowed the hearing to proceed without Respondent Maerki,  
13 indicating that he was adequately represented by Ms. Mirch.

14 Based upon the above, the Securities Division requests that the Respondents' Motion to  
15 Continue be denied.

16 RESPECTFULLY SUBMITTED this 25<sup>th</sup> day of September, 2014.

17  
18   
19 Wendy Coy, Staff Attorney for the Securities  
20 Division  
21  
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1 SERVICE LIST FOR: KENT MAERKI and NORMA JEAN COFFIN aka NORMA JEAN  
2 MAERKI, aka NORMA JEAN MAULE, husband and wife, DENTAL SUPPORT PLUS  
3 FRANCHISE, LLC

4 ORIGINAL and 8 copies of the foregoing  
5 filed this 25<sup>th</sup> day of September, 2014, with:

6 Docket Control  
7 Arizona Corporation Commission  
8 1200 W. Washington St.  
9 Phoenix, AZ 85007

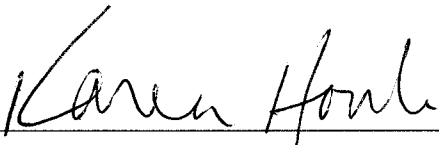
10 COPY of the foregoing hand-delivered  
11 this 25<sup>th</sup> day of September, to:

12 The Honorable Marc E. Stern  
13 Administrative Law Judge  
14 Arizona Corporation Commission  
15 1200 W. Washington St.  
16 Phoenix, AZ 85007

17 COPY of the foregoing mailed  
18 this 25<sup>th</sup> day of September, to:

19 Mark D. Chester  
20 8777 N. Gainey Center Drive, Suite 191  
21 Scottsdale, Arizona 85258-2106  
22 Attorneys for Respondents

23 Marie Mirch, Esq.  
24 Mirch Law Firm LLP  
25 750 B Street #2500  
26 San Diego, California 92101  
Attorney *Pro Hac Vice*



## EXHIBIT A

SUPERIOR COURT OF ARIZONA  
MARICOPA COUNTY

CV 2013-054308

09/11/2014

HONORABLE BRIAN S. REES

CLERK OF THE COURT  
E. Morgenstern  
Deputy

HYMSON GOLDSTEIN & PANTILIAT P L L C    JOHN L LOHR JR.

v.

KENT MAERKI, et al.

KENT MAERKI  
10632 N SCOTTSDALE RD STE B-479  
SCOTTSDALE AZ 85254

NORMA JEAN COFFIN  
9230 N 106TH PLACE  
SCOTTSDALE AZ 85258  
LEAH S FREED  
KENT MAERKI  
9230 N 106TH PLACE  
SCOTTSDALE AZ 85258

MINUTE ENTRY

The Court has received and reviewed the Defendants' Motion to Continue Judgment Debtor Examination, the Plaintiffs' Response to the Motion to Continue and the Defendants' Reply (or Response to Plaintiffs' Response to Continue Judgment Debtor Examination).

IT IS ORDERED denying the Defendants' Motion to Continue.

LET THE RECORD SHOW that the division judicial assistant has advised both sides of the Court's ruling this date.

MICHAEL K. JEANES, CLERK  
BY *L. Hoff* DEP  
FILED

14 SEP -8 AM 10:56

1 Kent Maerki  
10632 N. Scottsdale Rd., Ste B-479  
2 Scottsdale, AZ 85254

3 *Judgment Debtor*

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8 **SUPERIOR COURT OF THE STATE OF ARIZONA**  
9 **MARICOPA COUNTY**

10 HYMSON GOLDSTEIN & PANTILIAT PLLC,  
11 an Arizona Professional Limited Liability  
Company,

12 Plaintiff,

13 vs.

14 KENT MAERKI AND NORMA JEAN  
15 COFFIN, husband and wife.

16 Defendants.

Case No. CV 2013-054308

**NOTICE OF EX PARTE MOTION AND  
MOTION TO CONTINUE JUDGMENT  
DEBTOR EXAMINATIONS**

17  
18 **TO JUDGMENT CREDITOR AND ITS ATTORNEY OF RECORD**

19 PLEASE TAKE NOTICE that on September 8, 2014 at 11:00 AM or as soon thereafter as  
20 may be heard in Courtroom 105-NE of the above-entitled Court located at Northeast Regional  
21 Justice Center, 18380 N. 40<sup>th</sup> Street, Courtroom 105, Phoenix AZ, 85032, Judgment Debtors, KENT  
22 AND NORMA JEAN COFFIN, will and hereby do move the Court for an Order continuing the  
23 Judgment Debtor Examinations which are currently scheduled for September 12, 2014 and  
24 September 25, 2014.

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3 **MOTION TO CONTINUE**

4 On August 22, 2014 the Court ordered that Mr. Kent Maerki and Mrs. Norma Jean Coffin  
5 appear at Judgment Debtor Examinations on September 12, 2014 at the office of Mr. John Lohr  
6 and on September 25, 2014 before Commissioner Brian Rees.


7 Mr. Kent Maerki and Mrs. Norma Jean Coffin respectfully request that the above dates be  
8 continued because Judgment Debtor Kent Maerki has experienced extreme health issues in the past  
9 week. Mr. Maerki suffered a stroke on August 27, 2014, and was in the hospital for two days. As  
10 a result of this unexpected, unfortunate event, Mr. Maerki and Mrs. Norma Jean Coffin are not  
11 prepared for the Debtors Examinations and do not have the requested documents compiled. See  
12 Maerki Declaration.

13 This continuance is not requested to delay the matter, and is requested for good cause. Mr.  
14 and Mrs. Maerki could not have anticipated that such an event would occur. Mr. and Mrs. Maerki  
15 request that the Debtor's examinations be continued no earlier than January 28, 2015.

16  
17 Date: 9/15/14

18 By   
19 Kent Maerki

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Kent Maerki, Pro se

**John L. Lohr, Jr.**  
**Hymson Goldstein & Pantiliat, PLLC**  
 16427 N. Scottsdale Road, Suite 300  
 Scottsdale, Arizona 85254  
 Tele: 480-991-9077



1 John L. Lohr, Jr., SBN 19876  
2 **HYMSON GOLDSTEIN & PANTILIAT, PLLC**  
3 16427 N. Scottsdale Road, Suite 300  
4 Scottsdale, Arizona 85254  
5 Telephone: 480-991-9077  
6 [minute@legalcounselors.com](mailto:minute@legalcounselors.com)  
7 Attorneys for Plaintiff

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**SUPERIOR COURT OF THE STATE OF ARIZONA  
IN AND FOR THE COUNTY OF MARICOPA**

HYMSON GOLDSTEIN & PANTILIAT,  
PLLC, an Arizona Professional Limited  
Liability Company,

Plaintiff,

v.

KENT MAERKI AND NORMA JEAN  
COFFIN, husband and wife,

Defendants.

Case No. CV2013-054308

**RESPONSE TO MOTION TO  
CONTINUE JUDGMENT DEBTOR  
EXAMINATIONS**

(Assigned to Commissioner Brian Rees)

Plaintiff, Hymson Goldstein & Pantiliat, PLLC, ("Plaintiff"), by and through its attorneys undersigned, hereby responds to Defendants' Motion to Continue Judgment Debtor Examinations and request that the Court deny Defendants' request. Plaintiff was willing to continue the debtor examinations if Defendants would simply provide the documents as ordered by the Court. But, Defendants failed and refused to do so. Plaintiff views Defendants' Motion more of a delay tactic by Mr. Maerki since he is not willing to produce a single financial document and he has known about his obligation to do since July 23, 2014 the date he and his wife were served with the Court's order. This is not the first time Mr. Maerki has attempted this tactic of using his health as an excuse for not obeying a court order. He did the same thing in the case that this law firm represented him on in Smartcomm v. Maerki Case No. CV2010-032209. Most importantly, even if the Court were to postpone Mr. Maerki's debtor's exam, there is nothing prohibiting his wife Norma from appearing or gathering the documents as ordered.

RESPECTFULLY SUBMITTED this 9<sup>th</sup> day of September, 2014.

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**HYMSON GOLDSTEIN & PANTILIAT,  
PLLC**

/s/John L. Lohr, Jr.

John L. Lohr, Jr.

16427 N. Scottsdale Road, Suite 300

Scottsdale, Arizona 85254

Attorneys for Plaintiff

ORIGINAL of the foregoing efiled this  
9<sup>th</sup> day of September, 2014 and  
mailed this same date to:

Kent Maerki

10632 N. Scottsdale Rd., Ste. B-479

Scottsdale, AZ 85254

Kent Maerki

Norma Coffin

9230 N. 106th Pl.

Scottsdale, AZ 85258

/s/Rachel Hogan

SEP 11 2014

FILED 1:15pm

MICHAEL K. JEANES, Clerk  
By D. Espinoza  
Deputy

Kent Maerki  
10632 N. Scottsdale Rd., Ste B-479  
Scottsdale, AZ 85254

*Judgment Debtor*

**SUPERIOR COURT OF THE STATE OF ARIZONA  
MARICOPA COUNTY**

HYMSON GOLDSTEIN & PANTILIAT PLLC,  
an Arizona Professional Limited Liability  
Company,

Plaintiff,

vs.

KENT MAERKI AND NORMA JEAN  
COFFIN, husband and wife.

Defendants.

Case No. CV 2013-054308

**DEFENDANTS' RESPONSE TO  
PLAINTIFF'S RESPONSE TO CONTINUE  
JUDGMENT DEBTOR EXAMINATION**

(Assigned to Commissioner Brian Rees)

Plaintiff, John Lohr, stated in his September 9, 2014 Response to Motion to Continue Judgment Debtor Examinations that, "Plaintiff was willing to continue the debtor examination if Defendants would simply provide the documents as ordered by the court." (See Exhibit A) Defendants have explained that on the morning August 27, 2014, Defendant Kent Maerki awoke having had a major stroke during the night and was not able to feel his left arm or his left leg. He was admitted to emergency at Scottsdale Healthcare and after a CAT Scan and an MRI, it was determined that he had suffered a major stroke. After two days of testing and observation, Kent was released on the evening of August 28, 2014 with instructions to immediately visit his cardiologist and a neurologist, which he did. He was given medication prescriptions with instructions. (See Exhibit B)

1 The neurologist, Seth Kaufman, MD, stated that Kent had a probability of full recovery  
2 after 6-months provided he follow a doctor's instructions exactly, which includes stroke therapy,  
3 medication, diet and most importantly, stress reduction, plus regular physicians' check ups. Kent's  
4 cardiologist, Jack Wolfson, MD, provided a letter stating that, "It is important that he [Kent]  
5 maintains a low stress level for the next eight weeks, at which time I will reevaluate him." (See  
6 Exhibit C) Meanwhile, it has been challenging to get Kent's INR at a safe level while he and his  
7 wife have been reorganizing their businesses, financial problems, legal problems and lifestyle to  
8 provide low stress.

9 As a result of Kent's stroke, he has not been able to prepare the documents required for the  
10 September, 12, 2014 meeting with John Lohr as required by Commissioner Brian Rees). More  
11 importantly, the meeting will be highly stressful for Kent. Defendants have been requesting that  
12 Mr. Lohr simply agree to a postponement until January 28, 2014 or later. This date allows for Kent  
13 to possibly be fully recovered; it allows for the stresses of the entire holiday season to be past; and,  
14 it allows for Kent to get prepared without the stress of an earlier deadline during this recovery time  
15 in his life. The stress of trying to negotiate this postponement has been extremely stressful.

16 The amount of the default judgment is \$40,870 plus 18% interest until paid. A further  
17 judgment in favor of Plaintiff John Lohr was for reasonable attorney's fees (to John Lohr) in the  
18 amount of \$2,812.50 plus 4.25% interest. Presently, the total about has accrued to more than  
19 \$45,000 according to Plaintiff, an amount that will continue to earn interest until paid. The point is  
20 that a postponement is not costly to the Plaintiff since interest is accruing on the unpaid balance at  
21 18% per annum, a very substantial yield.

22 It is clearly reasonable to have a postponement until January 28, 2014 in that it actually  
23 benefits the Plaintiff and does not place the Defendant, Kent Maerki, at risk.

24 Defendant Norma Jean Coffin has been pleading with Plaintiff John Lohr in numerous  
25 emails and motions to the Court for a postponement. Plaintiff John Lohr has responded in emails

1 offering payment options and postponement only if Defendants organize and deliver the required  
2 documents to Mr. Lohr by September 12, 2014. (see Exhibit D) Defendant Norma Jean Coffin has  
3 been clear with Mr. Lohr that Kent is the one who will be organizing the files and will be in no  
4 condition to accomplish it within the next few months.

5 Mr. Lohr stated in his September 9, 2014 Response to Motion to Continue Judgment Debtor  
6 Examinations that, "Defendants failed and refused to do so [produce documents]. Plaintiff views  
7 Defendants' Motion more of a delay tactic by Mr. Maerki since he is not willing to produce a  
8 single financial document and he has known about his obligation to do since July 23, 2014...."  
9 (See Exhibit A) This is an illogical and absurd statement since Defendants are being charged 18%  
10 on the unpaid balance, they have incentive to get this settled and Mr. Lohr's speculation that,  
11 "Defendants' Motion [is] more of a delay tactic by Mr. Maerki since he is not willing to produce a  
12 single financial document." Mr. Maerki has not stated nor indicated an unwillingness to produce  
13 financial statements—he has simply been unable to since his stroke.

14 The Defendants cannot even speculate why the Plaintiff would not do the logical, proper  
15 and humane thing, and simply postpone the September 12, 2014 meeting until January 28, 2014—  
16 the postponement benefits the Plaintiff, reduces health risks for the Defendant Kent Maerki and  
17 allows for a reasonable amount of time for Defendant Kent Maerki to recover and adequately  
18 prepare for the January 28, 2014 meeting.

19 Defendants are appealing to the reason and humanity of all involved to simply agree to a  
20 postponement until January 28, 2014.

21 RESPECTFULLY SUBMITTED this 11<sup>th</sup> day of September, 2014.

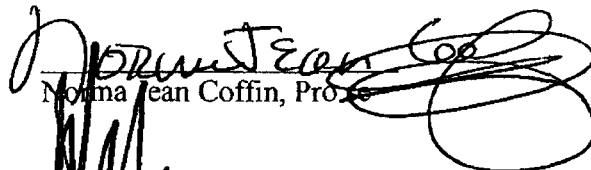
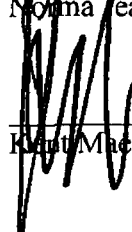
22 DEFENDANTS

23   
24 Norma Jean Coffin  
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1 Kent Maerki

2  
3 CERTIFICATE OF SERVICE

4  
5 IT IS HEREBY Certified that a copy of the foregoing was hand delivered and mailed to  
6 those listed below by First Class Mail.

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8   
9 Norma Jean Coffin, Pro se  
10  
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12 Kent Maerki, Pro se

13 Commissioner Brian Rees  
14 Maricopa County Superior Court  
15 Northeast Court Facility – Courtroom 105  
16 18380 N. 40<sup>th</sup> Street  
17 Phoenix, Arizona 85032

18 John L. Lohr, Jr.  
19 Hymson Goldstein & Pantiliat, PLLC  
20 16427 N. Scottsdale Road, Suite 300  
21 Scottsdale, Arizona 85254  
22 Tele: 480-991-9077

## **EXHIBIT A**

1 John L. Lohr, Jr., SBN 19876  
2 **HYMSON GOLDSTEIN & PANTILIAT, PLLC**  
3 16427 N. Scottsdale Road, Suite 300  
4 Scottsdale, Arizona 85254  
5 Telephone: 480-991-9077  
6 minute@legalcounselors.com  
7 Attorneys for Plaintiff

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**SUPERIOR COURT OF THE STATE OF ARIZONA**  
**IN AND FOR THE COUNTY OF MARICOPA**

HYMSON GOLDSTEIN & PANTILIAT,  
PLLC, an Arizona Professional Limited  
Liability Company,

Plaintiff,

v.

KENT MAERKI AND NORMA JEAN  
COFFIN, husband and wife,

Defendants.

Case No. CV2013-054308

**RESPONSE TO MOTION TO  
CONTINUE JUDGMENT DEBTOR  
EXAMINATIONS**

(Assigned to Commissioner Brian Rees)

Plaintiff, Hymson Goldstein & Pantiliat, PLLC, ("Plaintiff"), by and through its attorneys undersigned, hereby responds to Defendants' Motion to Continue Judgment Debtor Examinations and request that the Court deny Defendants' request. Plaintiff was willing to continue the debtor examinations if Defendants would simply provide the documents as ordered by the Court. But, Defendants failed and refused to do so. Plaintiff views Defendants' Motion more of a delay tactic by Mr. Maerki since he is not willing to produce a single financial document and he has known about his obligation to do since July 23, 2014 the date he and his wife were served with the Court's order. This is not the first time Mr. Maerki has attempted this tactic of using his health as an excuse for not obeying a court order. He did the same thing in the case that this law firm represented him on in Smartcomm v. Maerki Case No. CV2010-032209. Most importantly, even if the Court were to postpone Mr. Maerki's debtor's exam, there is nothing prohibiting his wife Norma from appearing or gathering the documents as ordered.

RESPECTFULLY SUBMITTED this 9<sup>th</sup> day of September, 2014.



HYMSON GOLDSTEIN & PANTILIAT,  
PLLC

/s/John L. Lohr, Jr.

John L. Lohr, Jr.  
16427 N. Scottsdale Road, Suite 300  
Scottsdale, Arizona 85254  
Attorneys for Plaintiff

ORIGINAL of the foregoing efiled this  
9<sup>th</sup> day of September, 2014 and  
mailed this same date to:

Kent Maerki  
10632 N. Scottsdale Rd., Ste. B-479  
Scottsdale, AZ 85254

Kent Maerki  
Norma Coffin  
9230 N. 106th Pl.  
Scottsdale, AZ 85258

/s/Rachel Hogan

## **EXHIBIT B**

**SCOTTSDALE**  
**HEALTHCARE<sup>SM</sup>**  
ADDRESS SERVICE REQUESTED

PO BOX 1270  
SCOTTSDALE, AZ 85252-1270

(480) 882-6776

TOLL FREE 1-888-350-7647 EXT 6776

FEL# 86-0181654

DO NOT PAY THIS STATEMENT. THIS IS NOT A BILL.  
THE INFORMATION PROVIDED BELOW IS FOR  
INFORMATION PURPOSES ONLY.

FOR THE ACCOUNT OF		PAGE	
B1421920105 MAERKI, KENT		STATEMENT DATE	
PATIENT INFORMATION		09/03/14	
ADMIT 08/27/14		DISCHARGE 08/28	
100100 MEDICARE			
150500 AARP			
150600 Z AARP SUPP 1500			

REMIT TO:

ADDRESSEE:

SCOTTSDALE HEALTHCARE SHEA  
P.O. BOX 29689  
PHOENIX AZ 85038-9689

KENT MAERKI  
10632 N SCOTTSDALE R  
STE 479  
SCOTTSDALE AZ 85254-6199

☐ Please check box if above address is incorrect or insurance information has changed, and indicate change(s) on reverse side.

**SUMMARY STATEMENT**

PLEASE DETACH AND RETURN TOP PORTION WITH YOUR PAY

C206INTERMEDIATE CARE	3,600.00
C250PHARMACY	1.50
C272STERILE SUPPLY	2.30
C301CHEMISTRY	708.00
C305HEMATOLOGY	847.00
C324CHEST X-RAY	482.00
C351CT SCAN, HEAD SCAN	1,438.00
C420PHYSICAL THERAPY	373.00
C430OCCUPATIONAL THERAPY	481.00
C450EMERGENCY DEPT.	3,029.00
C483CARDIOLOGY-ECHOCARDIOLOGY	2,208.00
C610MRI	7,563.00
C636DRUGS/DETAIL CODE	291.10
C637SELF-ADMIN DRUGS-NO DET CODING	13.10
C730EKG/ECG	425.00

TOTAL CHARGES 21,462.00

TOTAL PAYMENTS/ADJUSTMENTS 0.00

ESTIMATED PATIENT BALANCE DUE 0.00

All insurances listed above have been billed.

\*\*\*\*\*NO PAYMENT IS DUE AT THIS TIME.\*\*\*\*\*

SEPARATE BILLING from Physician Billing Agencies may be sent out for physician(s) who performed test interpretations or examination evaluations. The above charges are for facility services, care and supplies.

AFTER INSURANCE HAS PAID, PATIENT RESPONSIBILITY WILL BE REFLECTED ON YOUR DETAIL STATEMENT.

SCOTTSDALE HEALTHCARE SHEA  
SCOTTSDALE, AZ  
(480) 882-6776

PLEASE NOTE: THIS STATEMENT REPRESENTS ONLY THE  
HOSPITAL BILL. CHARGES FOR PATHOLOGISTS, RADIOLOGISTS,  
ANESTHESIOLOGISTS, EMERGENCY DEPARTMENT PHYSICIANS,

21,462.00



Name: MAERKI, KENT

MRN: 0000908687

Acct. #: 1423920105

## Discharge Instructions

## Discharge Diagnosis

Printed On: 08/28/2014 17:37

### EVERY PATIENT SHOULD HAVE EASY ACCESS TO HIS OR HER PERSONAL HEALTH RECORD (PHR):

Through the use of a secure internet portal, you will be able to access information about your recent inpatient visit, medications, procedures, test results and more.

- All you need to activate this service is a valid email address. You control your password and access.
- You may also share your information with others involved in your care.
- Within 36 hours of leaving the hospital, you will receive an email notification sent by Relay Health\* to the email address you provided to our Registration staff.

- This email will include instructions on how to create your account and access your most recent inpatient visit information. Scottsdale Healthcare's Patient Portal is powered by Relay Health - a trusted name used by doctors and hospitals across the United States. Relay Health assists us in exchanging health information with you. If you need any technical assistance, or if you do not receive an e-mail notification, please call 1-866-RELAY-ME (1-866-735-2963) or visit their website at [www.relayhealth.com](http://www.relayhealth.com). If you would like a physical copy of your entire visit or other parts of your Personal Health Record that are not available online, please visit their website at <http://www.shc.org/patients-visitors/medical-records> to obtain a Medical Records Release Form, or contact our Health Information Management Department at 480-882-4040 or 480-323-3213.

### RIGHT TO REQUEST YOUR MEDICAL INFORMATION:

Patients have a right to look at their own medical information and to get a copy of that information. The law requires Scottsdale Healthcare to keep the original record. This includes your medical record, your billing record, and other records we use to make decisions about your care. To request your medical information, please contact the Health Information Management Department.

### ADVANCED DIRECTIVE:

It is our desire to be able to honor your wishes as they pertain to advance directives (medical power of attorney and/or living will) decision making upon future visits at Scottsdale Healthcare. Please send a copy of your advance directives to one of the addresses below for inclusion into your medical record. Thank you for taking the time and allowing us to ensure we have the most up-to-date copies of your advanced directives on file. Feel free to contact us at any of the addresses or phone numbers below.

**Scottsdale Healthcare Osborn**  
Health Information Management  
7301 E. 4th Street, Suite 10  
Scottsdale, AZ 85251  
(480) 882-4040

**Scottsdale Healthcare Shea**  
Health Information Management  
9003 Shea Blvd.  
Scottsdale, AZ 85260  
(480) 323-3213

**Scottsdale Healthcare Thompson Peak**  
Health Information Management  
7400 E. Thompson Peak Blvd.  
Scottsdale, AZ 85255  
(480) 324-7060





Name: MAERKI, RENT

MRN: 0000908687

Acct. #: 1423920105



Printed On: 08/28/2014 17:37

#### Discharge Instructions

#### Discharge Diagnosis

#### Vaccine History:

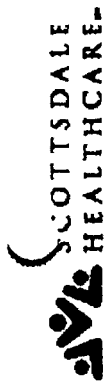
Flu

Contraindicated/Not indicated

The "Influenza shot" is recommended to be given yearly between the months of September and March for everyone age 6 months and older. It is especially important that pregnant women, children, people 50 years of age or older, and those with chronic medical conditions receive a yearly flu shot.

The "pneumococcal shot" is recommended for all adults at age 65 (or older if it was not given at age 65). This vaccine is also recommended for people younger than 65 who have certain chronic illnesses. Any adult age 19-64 who smokes or has asthma, should also receive the vaccine. Some individuals with particular health risks will need a one-time revaccination dose 5 years later. Consult your doctor or health professional to determine your level of risk for infection and your need for either of these two vaccines.





Name: MAERKI, ALANT

MRN: 0000908687

Acct. #: 1423920105

Printed On: 08/28/2014 17:37

### Discharge Instructions

### Discharge Diagnosis

### Allergies:

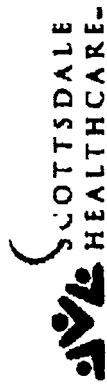
IODINE

### Medications:

Call your Physician or Pharmacist for any questions about your home medications. Always bring a list of every medication you take to every medical appointment to review and update. After any hospitalization, check with your primary care doctor or prescribing physician(s) to review this medication list. If you do not have a doctor, call Scottsdale Healthcare's Physician Referral Services at 480-882-4636 from 8:00AM-4:30PM, Monday through Friday. For after hours and weekends, you may leave a voicemail message and someone will return your call.

Medication:	Generic Name:	Also known as:	Dose:	Route:	Frequency:	Last Dose Given:	Next Dose Due:	Comment / Use:
Coumadin oral			5 mg Tablet	Oral	Every day		08/29/2014 09:00 PM	Strength: 5 mg
pravastatin oral			20 mg Tablet	Oral	At bedtime	08/27/2014 09:51 PM	08/28/2014 09:00 PM	Strength: 20 MG
Lovenox	enoxaparin		95 mg Syringe	Subcutaneous	2 times per day		08/29/2014 07:00 AM	Strength: 100 mg/mL
amlodipine oral			5 mg	Oral	Every day		08/29/2014 09:00 AM	





Name: MAERKI, R<sup>MD</sup> ENT

MRN: 0000908687

Acct. #: 1423920105



Printed On: 08/28/2014 17:37

#### Discharge Instructions

#### Discharge Diagnosis

#### Discharge Instructions:

Follow Up

Dr. Friedman; Primary Care Physician; ; 3 - 5 days; Call for appointment

Follow Up

; Cardiology; ; 3 - 5 days; Call for appointment

Diet

Resume home diet

Activity

As tolerated

Instructions

call if numbness, weakness, bleeding, slurred speech, facial droop or any other concerns. Please take coumadin as directed

Instructions (cont)

please take pravastatin.

Lab/Rad/Other - Patient Instructions

please have INR drawn either with Dr. Friedman or cardiology in the next 2 - 3 days. you only need to be on lovenox until your INR is 2





Name: MAERKI, RENT

MRN: 0000908687

Acct. #: 1423920105

Printed On: 08/28/2014 17:37

#### Discharge Instructions

#### Discharge Diagnosis

#### WARFARIN (Coumadin®) DISCHARGE INSTRUCTIONS:

##### Compliance Issues:

Take this medication at a similar time every day. It is very important to remember to take this medication every day and to continue taking, even if you are feeling better.

##### Dietary Advice:

Keep your diet similar from day to day, especially foods high in Vitamin K. Foods high in Vitamin K are most commonly green, leafy vegetables (for example: spinach, broccoli, brussel sprouts). Avoid alcohol (wine, beer, and liquor) and cranberry products.

##### Follow-up Monitoring:

Routine testing of the blood called a ProTime or INR is used to change your warfarin dose and is required for people taking this medication. This test may need to be done as often as every day to as long as every month. It is important that you know when and where your next test will be before leaving the hospital and what your ProTime or INR level should be. Talk with your doctor for more information.

##### Potential Adverse Drug Reactions:

This medication can cause serious bleeding, so it is very important to follow directions.

##### Potential Adverse Drug Interactions:

This medication interacts with many medications. It is important to talk with a healthcare provider before starting or stopping any medications. Keep a list of your medications with you at all times and give that list to your health care providers.







Name: MAERKI, KENT

MRN: 0000908687

Acct. #: 1423920105

#### Discharge Instructions

#### Discharge Diagnosis

Printed On: 08/28/2014 17:37

### IF YOU HAVE HEART FAILURE, OR HAVE BEEN RECENTLY DIAGNOSED WITH HEART FAILURE, FOLLOW THESE GUIDELINES:

In an effort to promote Health and Wellness of our community, Scottsdale Healthcare is providing the information below to ALL patients discharged from our facilities.

If you feel the information below does not apply to you or anyone you know, please disregard.

Congestive Heart Failure (CHF) is a chronic health concern for many people and can require frequent hospitalizations. Research shows that using the guidelines below can minimize the symptoms and causes for hospitalization for patients with CHF.

#### Activity:

It is important to remain physically active # Always follow your doctor's instructions on exercise and activity. Plan your activities to include rest periods. Pay attention to your breathing pattern and how well you tolerate activity.

#### Diet/Nutrition:

**LIMIT YOUR SALT INTAKE.** Too much salt causes swelling and can make it difficult for you to breathe. If you are overweight, talk to your doctor about a weight reduction program. You may need to limit how much fluid you drink. Remember that things that melt are considered fluids, such as ice cream and Jell-O.

#### Medication:

Be sure to take your medicines exactly as your doctor tells you: no more, no less. Do NOT stop taking your medicine without talking to your doctor. Medicine can sometimes cause side effects like causing you to cough or go to the bathroom more often. If you have side effects or questions or believe the medicine is not helping you, call your doctor.

#### Follow-up:

Be sure to schedule a follow-up appointment with your primary care doctor or any specialists as instructed. Keep ALL doctor's appointments.

#### Weight Monitoring:

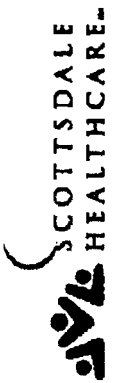
Weigh yourself every day at the same time with the same amount of clothing on. If you notice a consistent weight gain (2 lbs. in 2 days), call your doctor immediately.

#### Additional Instructions:

It is also important for patients with chronic health conditions, such as CHF to avoid people suffering with colds or flu.

#### Call your doctor if:

Alert your doctor at any time you notice a change in your body or your symptoms, but be especially aware of the following symptoms. If any of these signs or symptoms occurs, or if you experience any other new symptoms:



Name: MAERKI, RENT

MRN: 0000908687

Acct. #: 1423920105



Printed On: 08/28/2014 17:37

#### Discharge Instructions

#### Discharge Diagnosis

- Trouble breathing, especially during activity or when lying flat in bed
- Waking up out of breath
- Frequent dry, hacking cough, especially when lying down
- Feeling tired, weak, faint or dizzy
- Swollen feet, ankles and legs
- Nausea, with stomach swelling, pain and tenderness

If you experience chest pain, call 911 immediately.





Name: MAERKI, R-NT

MRN: 0000908687

Acct. #: 1423920105



Printed On: 08/28/2014 17:37

### Discharge Instructions

### Discharge Diagnosis

\*I have received this information and any questions have been answered

Patient signature line: X [Signature]

Date/time: 8/28/14

\*Patient representative: [Signature]

Date/time: 8/28/14

Discharging Nurse Signature: [Signature]

Date/time: 8/28/14

Printed Nurse Signature: Ruth H. Haczarski RN

Interpreted by: \_\_\_\_\_

Date/time: \_\_\_\_\_

☐ I, patient/representative, request an electronic copy of my discharge instructions. E-mail address to be used:

(patient/representative to fill in e-mail address)

☐ Patient/representative unable to sign discharge paperwork at this time. Copy of discharge instructions and medication list sent with patient.



## **EXHIBIT C**



To whom it may concern,

Patient Kent Maerki, DOB 09/13/1942, is under my care and due to Kent's recent stroke and hospital stay, I strongly recommend delaying any legal proceedings. It is important that he maintains a low stress level for the next eight weeks, at which time I will reevaluate him. If you have any questions in regards to this letter, please contact me.

Sincerely

Jack Wolfson D.O.

9/8/14

## **EXHIBIT D**



Norma Maule &lt;normamaule@gmail.com&gt;

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**Postponement Request**

3 messages

---

**Norma Maule** <normamaule@gmail.com>  
To: "John Lohr, Jr." <jlohr@legalcounselors.com>

Wed, Sep 10, 2014 at 10:53 AM

John:

Please accept our request to postpone our September 12 meeting until January 28, 2014.

I request this as one who is protecting my husband's poor health due to a major stroke that he is contending with presently, and will be for the near future.

If he takes care, he may recover fully.

Please read the attached letter, which has been delivered to your office.

You can make this happen, please.

Thank you,  
Kent

—  
Norma Maule  
NormaMaule@gmail.com



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**NJM Letter to John Lohr.docx**  
111K

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**John Lohr, Jr.** <jlohr@legalcounselors.com>  
To: Norma Maule <normamaule@gmail.com>

Wed, Sep 10, 2014 at 10:54 AM

If you provide me all of the financials as ordered by the court, I would consider a postponement but not until January.

John L. Lohr, Jr., Esq.

HYMSON GOLDSTEIN & PANTILIAT, PLLC

16427 N. Scottsdale Road Suite 300

Scottsdale, Arizona 85254

(480) 991-9077

**From:** Norma Maule [mailto:normamaule@gmail.com]  
**Sent:** Wednesday, September 10, 2014 10:53 AM  
**To:** John Lohr, Jr.  
**Subject:** Postponement Request

[Quoted text hidden]

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**Norma Maule** <normamaule@gmail.com>  
To: "John Lohr, Jr." <jlohr@legalcounselors.com>

Wed, Sep 10, 2014 at 5:40 PM

John:

I am not trying to avoid anything.

I am confident I made it clear that we (Kent and me) are not prepared to meet on Friday nor is Kent in a condition in which he should meet.

Additionally, it is Kent who would be organizing the documents you are requesting. He is not in a position to risk the stress associated with the organizing of them at this time nor in the immediate future.

I have provided you with good cause to postpone the meeting.

Please postpone it since we will not be prepared and Kent should be required to risk his health in a stressful meeting.

Thank you,  
Norma

[Quoted text hidden]

—

Norma Maule  
NormaMaule@gmail.com





Norma Maule &lt;normamaule@gmail.com&gt;

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**September 12 Request for Postponment**6 messages

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**Kent Maerki** <kentmaerki@gmail.com>

Wed, Sep 3, 2014 at 6:08 PM

To: John Lohr &lt;jlohr@legalcounselors.com&gt;

Cc: Kevin Mirch &lt;KevinMirch@mirchlaw.com&gt;, Marie Mirch &lt;marie@mirchlaw.com&gt;, Erin Hanson &lt;ehanson@mirchlaw.com&gt;, Norma Maule &lt;normamaule@gmail.com&gt;

John:

I don't think it's prudent for me to attend a meeting with you on September 12, 2014 because I don't know if I will be in good enough shape to withstand the stress, as well as being able to focus appropriately.

Last week, on Wednesday, August 27, 2014, I was admitted to Scottsdale Memorial Hospital Emergency after experiencing a stroke during the night. I could not feel my left arm or my left leg—I still cannot. I was released on Thursday evening, August 27, 2014 with instructions to follow a strict medication regime and follow-up protocols with doctors and therapy (see attachment).

Meanwhile, I am very tired, somewhat lethargic and not feeling too chipper. I will not push myself beyond my comfort.

Therefore, I am asking you for an indefinite postponement and to discuss an alternative date in November subject to my health assessment, comfort and ability to withstand stress at that time.

Thank you,

Kent

**Kent Maerki**  
KentMaerki@gmail.com



Discharge SHC 08282014.pdf

529K

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**John Lohr, Jr.** <jlohr@legalcounselors.com>

Wed, Sep 3, 2014 at 9:11 PM

To: Kent Maerki &lt;kentmaerki@gmail.com&gt;

Cc: Kevin Mirch &lt;KevinMirch@mirchlaw.com&gt;, Marie Mirch &lt;marie@mirchlaw.com&gt;, Erin Hanson &lt;ehanson@mirchlaw.com&gt;, Norma Maule &lt;normamaule@gmail.com&gt;

I am sorry to hear about your health. I may consider a brief postponement if you provide me all of the documents as ordered by the court no later than Tuesday of next week.

*Sent from my Verizon Wireless 4G LTE DROID*

[Quoted text hidden]

---

**Kent Maerki** <kentmaerki@gmail.com>

Wed, Sep 3, 2014 at 9:30 PM

To: "John Lohr, Jr." &lt;jlohr@legalcounselors.com&gt;

Cc: Kevin Mirch &lt;KevinMirch@mirchlaw.com&gt;, Marie Mirch &lt;marie@mirchlaw.com&gt;, Erin Hanson &lt;ehanson@mirchlaw.com&gt;, Norma Maule &lt;normamaule@gmail.com&gt;

John:

My email to you stated, "I don't know if I will be in good enough shape to withstand the stress, as well as being able to focus appropriately." Since the stroke, I have been rather indisposed and not functioning well. My statement implied that I expect to improve.

At this time, the documents you requested have not been located and I will not be able to do it by the time you requested and possibly not by September 12. I no longer have staff in that I have shelved Dental Support Plus Franchise and CosmaLite Franchising and terminated the staffs.

Frankly, this is less than I expected from you. In light of my condition, it is quite stressing, as well. Additionally, it is not even a quid pro quo proposal in that you stated, the "you may consider a brief postponement."

I simply cannot do it. It's that simple and I am hoping that two good Christian gentlemen can accommodate each other graciously and reasonably.

Please reconsider my plight; the extra time won't hurt a thing.

Kent

**Kent Maerki**

KentMaerki@gmail.com

[Quoted text hidden]

---

**John Lohr, Jr.** <jlohr@legalcounselors.com>

Wed, Sep 3, 2014 at 9:57 PM

To: Kent Maerki <kentmaerki@gmail.com>

Cc: Kevin Mirch <KevinMirch@mirchlaw.com>, Marie Mirch <marie@mirchlaw.com>, Erin Hanson <ehanson@mirchlaw.com>, Norma Maule <normamaule@gmail.com>

Another solution would be for you to offer a reasonable payment plan and start making payments.

[Quoted text hidden]

[Quoted text hidden]

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**Kent Maerki** <kentmaerki@gmail.com>

Thu, Sep 4, 2014 at 7:16 AM

To: Kevin Mirch <KevinMirch@mirchlaw.com>

Cc: Marie Mirch <marie@mirchlaw.com>, Erin Hanson <ehanson@mirchlaw.com>, Norma Maule <normamaule@gmail.com>

fyi

**Kent Maerki**

KentMaerki@gmail.com

----- Forwarded message -----

From: **John Lohr, Jr.** <jlohr@legalcounselors.com>

Date: Wed, Sep 3, 2014 at 9:57 PM

Subject: Re: September 12 Request for Postponment

To: Kent Maerki <kentmaerki@gmail.com>

Cc: Kevin Mirch <KevinMirch@mirchlaw.com>, Marie Mirch <marie@mirchlaw.com>, Erin Hanson <ehanson@mirchlaw.com>, Norma Maule <normamaule@gmail.com>

Another solution would be for you to offer a reasonable payment plan and start making payments.

*Sent from my Verizon Wireless 4G LTE DROID*

Kent Maerki <kentmaerki@gmail.com> wrote:

John:

My email to you stated, "I don't know if I will be in good enough shape to withstand the stress, as well as being able to focus appropriately." Since the stroke, I have been rather indisposed and not functioning well. My statement implied that I expect to improve.

At this time, the documents you requested have not been located and I will not be able to do it by the time you requested and possibly not by September 12. I no longer have staff in that I have shelved Dental Support Plus Franchise and CosmaLite Franchising and terminated the staffs.

Frankly, this is less than I expected from you. In light of my condition, it is quite

stressing, as well. Additionally, it is not even a quid pro quo proposal in that you stated, the "you may consider a brief postponement."

I simply cannot do it. It's that simple and I am hoping that two good Christian gentlemen can accommodate each other graciously and reasonably. Please reconsider my plight; the extra time won't hurt a thing.

Kent

Kent Maerki  
KentMaerki@gmail.com

On Wed, Sep 3, 2014 at 9:11 PM, John Lohr, Jr. <jlohr@legalcounselors.com> wrote:

I am sorry to hear about your health. I may consider a brief postponement if you provide me all of the documents as ordered by the court no later than Tuesday of next week.

*Sent from my Verizon Wireless 4G LTE DROID*

Kent Maerki <kentmaerki@gmail.com> wrote:

John:

I don't think it's prudent for me to attend a meeting with you on September 12, 2014 because I don't know if I will be in good enough shape to withstand the stress, as well as being able to focus appropriately.

Last week, on Wednesday, August 27, 2014, I was admitted to Scottsdale Memorial Hospital Emergency after experiencing a stroke during the night. I could not feel my left arm or my left leg—I still cannot. I was released on Thursday evening, August 27, 2014 with instructions to follow a strict medication regime and follow-up protocols with doctors and therapy (see attachment).

Meanwhile, I am very tired, somewhat lethargic and not feeling too chipper. I will not push myself beyond my comfort.

Therefore, I am asking you for an indefinite postponement and to discuss an alternative date in November subject to my health assessment, comfort and ability to withstand stress at that time.

Thank you,

Kent

Kent Maerki  
KentMaerki@gmail.com

---

Kent Maerki <kentmaerki@gmail.com>

Thu, Sep 4, 2014 at 1:37 PM

To: "John Lohr, Jr." <jlohr@legalcounselors.com>

Cc: Kevin Mirch <KevinMirch@mirchlaw.com>, Marie Mirch <marie@mirchlaw.com>, Erin Hanson <ehanson@mirchlaw.com>, Norma Maule <normamaule@gmail.com>

John:

My income has been eliminated because of DSPF and CosmaLite being gone as well as having given up my interest in Janus Spectrum. Meanwhile my expenses continue.

I am working on a few ideas for the near future, but am currently broke. Then, this stroke has floored me. I am told that stress and strokes do not go well together.

I will discuss with Norma the prospects of a payment schedule and get back to you soon.

Kent

Kent Maerki  
KentMaerki@gmail.com  
[Quoted text hidden]

## EXHIBIT B

## Wendy Coy

---

**From:** Rob Somers <rob.somers@smartcommllc.com>  
**Sent:** Thursday, September 25, 2014 8:57 AM  
**To:** Wendy Coy  
**Cc:** Gary Clapper  
**Subject:** Maerki hearing in Superior Court

Ms. Coy,

I am writing to update you on our state court matter with Mr. Maerki. We did have our default hearing on damages yesterday despite Mr. Maerki's emergency motion to continue it due to an alleged major stroke. When we arrived at the parking garage we saw Mr. Maerki's car there. However, he was not present in the court building that we could see. At the hearing, Ms. Mirch began by explaining how Mr. Maerki is not able to attend the hearing because of his health issues and his doctor's advice. She acted quite offended that we would refer to Mr. Maerki's "alleged stroke". When it was our turn to respond, Tom Lordan started by saying that his clients had observed Mr. Maerki's car in the parking garage just now. Ms. Mirch suddenly responded by admitting that Mr. Maerki had driven her to the court, and that they had lunch together before the hearing to discuss the case. The Commissioner seemed to be no longer concerned that Mr. Maerki was not actually able to attend the hearing and assist his counsel during the proceeding. He advised that Mr. Maerki is adequately represented by counsel and went on with the hearing.

Ms. Mirch did not give up. After our 3:00 break she told the Commissioner she received a fax from a doctor, again advising that Mr. Maerki should not attend any legal proceedings. The Commissioner was still not impressed and the hearing went on.

If you have any questions regarding the foregoing, please feel free to give me a call.

Thank you,

***M. Rob Somers***

General Counsel  
Smartcomm, LLC  
3131 E. Camelback Rd #450  
Phoenix, AZ 85016  
602-224-1080 Main  
602-808-1020 Direct  
602-224-1099 Fax

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